

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

<b>MARKUS HUNTER,</b>	)	
	)	
Plaintiff,	)	
	)	
V.	)	Civil No. <b>02-104-JPG</b>
	)	
<b>GEORGE C. WELBORN, et al.,</b>	)	
	)	
Defendants.	)	

**ORDER**

**PROUD, Magistrate Judge:**

At the request of the Court, Assistant Attorney General David M. Walter, has attempted to clarify which defendant property officer he represents— C/O Johnson or C/O Johnstone.

**(Doc. 49).** Attorney Walter has entered his appearance on behalf of both named defendants, even though in reality he represents a property officer named C/O Charles Johnston. According to Johnston, there are no property officers named Johnson or Johnstone, so he assumes he is the individual plaintiff intended to name as the defendant property officer.

This name confusion is wreaking havoc with the Court's electronic filing system and the smooth litigation of this case. Even if the Court takes C/O Johnston at his word, plaintiff has the real say-so regarding whom he wishes to sue. Luckily, plaintiff has clarified that he intended to sue C/O Charles Johnston, not C/O Johnson. **(Doc. 52).** However, plaintiff has not clarified whether he intends to sue a C/O Johnstone. In any event, at this juncture the record can be clarified to reflect that the named defendant "C/O Johnson" is a misnomer for C/O Charles Johnston, the individual attorney Walter represents; and Walter does not represent C/O Johnstone.

**IT IS THEREFORE ORDERED** that, in the interest of judicial economy, the Clerk of Court shall have the record reflect that the defendant currently identified as “C/O Johnson” is merely a misnomer or misspelling; that defendant shall hence forth be identified in the record as “C/O Charles Johnston.” The Clerk shall also have the record properly reflect that Assistant Attorney General David M. Walter is attorney of record for defendant C/O Charles Johnston. In addition, the Clerk of Court shall have the record reflect that Assistant Attorney General David M. Walter mistakenly entered his appearance on behalf of named defendant “C/O Johnstone, defendant Johnstone is not represented by counsel. The Clerk of Court shall also remedy where the waiver of service executed by C/O Charles Johnston was incorrectly docketed as the waiver of C/O Johnstone. **(Doc. 17).**

**IT IS FURTHER ORDERED** that on or before **June 24, 2005**, plaintiff Markus Hunter shall file written clarification as to whether he intends to sue named defendant “C/O Johnstone.”

**IT IS SO ORDERED.**

**DATED: June 6, 2005**

s/ Clifford J. Proud  
**CLIFFORD J. PROUD**  
**U. S. MAGISTRATE JUDGE**